BD S.B.

THIS AMENDED PETTION IS BEING FILED AS PER COURT ORDER DATED 11.05.2005.

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 3900/2004

PETITIONERS.

Shoukhee lal Ghritlhre S/o Shri Jhabbu Ghritlhre aged about 38 years, Panchyat Karmi of Gram Panchyat Khairghat, Vihaskhand & tahsil-Simga, Dist. Raipur, Resident of Village-Bansakra, tahsil-Simga, Dist.-Raipur (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary Panchyat & rural Development Department D.K.S. Bhawan Raipur {C.G.}
2. The collector Raipur district-Raipur (C.G.)
3. The Sub divisional officer, ® Bhatapara tahsil-Simga, Dist.-Raipur (C.G.)
4. The Gram Panchyat/Gram Sabha, Khairghat through-Sarpanch of Gram panchyat Khairghat, vikas khand & tahsil Simga, Dist. Raipur (C.G.)

3969/05
Filed on 12/05/05
by Shri ..... Advocate
R/o A.R. (L) 13/05/05

Recd. copy of amended petion Lydia Advocate 11/5/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE COUNSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CEERTIORARI, MANDAMUS, PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERES:

The petitioner above-named most respectfully submit as under:-

1. PARTICULARS OF THE PETITIONERS:

As mentioned in the cause title above.

2. PARTICULARS OF THE RESPONDENTS:

As mentioned in the cause title above.

3. PARTICULARS OF THE ORDERS AGAINST WHICH PETITION IS MADE

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(57)

आदेश पत्रक

मामला क्रमांक WP 3900/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

19-1-2006

Shri R.S. Patel, counsel for the petitioner.

Shri Ramakant Mishra, counsel for the State.

Heard.

The petitioner has filed this petition against the order dated 19-7-2004, which is a resolution. Counsel for the petitioner submits that no enquiry was held and no opportunity of hearing was given to the petitioner. He submits that according to rule 7 of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999 "no order, imposing on a member of the Panchayat Service, any of the penalties specific in Clause (iv) to (via) of rule 5 shall be passed except after a formal inquiry is held as far as may be, in the manner hereinafter provided.'

Shri Patel, learned counsel appearing for the petitioner submits that the matter is exactly covered by the catena of decisions of this Court rendered in the cases of Prakash Chandra Patel -v- State of Chhattisgarh and others reported in 2004 L.T.(C.G.) 142, Nirmala Kaushik -v- State of Chhattisgarh in Writ petition No. 895/2003 decided on 29-4-2005 and in the case of Prakash Chandra Soni -v- State of Chhattisgarh in Writ petition No. 1124/2005 decided on 6-7-2005. Learned counsel prays for passing of similar orders in this case also. He further pointed out that

[पीछे देखिये

(52)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 3900/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

merely on the basis of resolution Annexure P-1 passed by the Gram panchayat, the petitioner's services have been terminated which is in violation of Rule 7(1) and 5(b) of the Chhattisgarh Panchayat Service (Discipline and Appeal) Rules, 1999.

In view of the submissions made by the learned counsel and since the matter is exactly covered by the decision of this Court rendered in the case of Prakash Chandra Patel (supra), and since there is non-compliance of Rule 7 of the Rules 1999 which is mandatory, the impugned order Annexure P-1 dated 19-7-2004 is set aside.

The petition is allowed.

Counsel for the respondents submits that respondents may be given liberty to proceed in accordance with law. They may do so.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

P/Gowri

[पीछे देखिये

R/24/1/06